

**AMENDMENT NO. 5**  
**CONTRACT NO. 455-20-1036A FOR**  
**STATEWIDE SITE REMEDIATION AND RELATED SERVICES**  
**BETWEEN**  
**THE RAILROAD COMMISSION OF TEXAS**  
**AND**  
**ETECH ENVIRONMENTAL & SAFETY SOLUTIONS, INC.**

**THIS AMENDMENT NO. 5** to Contract No. 455-20-1036A (“Contract”) is entered into by and between the State of Texas, acting through the Railroad Commission of Texas (“RRC”), located at 1701 N. Congress Ave., Austin, Texas and ETECH Environmental & Safety Solutions, Inc. (“Contractor”), located at 13000 W County Road 100 Odessa, Texas 79765 (individually, “Party”; collectively, “Parties”).

**WHEREAS, SECTION 7.06.** of the Contract provides the Parties may amend the Contract through written agreement; and

**WHEREAS,** on August 30, 2021, the Parties executed **Amendment No. 1** to the Contract to modify section **2.01. Contract Award.**, subparagraph (a.) to exercise renewal option one (1) of three (3) to continue the Contract through August 31, 2022, and to modify section **3.01. CONTRACT LIMIT, FEES AND EXPENSES.** changing the not-to-exceed amount of the Contract from ONE MILLION FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$1,500,000.00) to ONE MILLION SEVEN HUNDRED NINETY THOUSAND DOLLARS AND ZERO CENTS (\$1,790,000.00), as approved by the Executive Director on August 30, 2021.

**WHEREAS,** on October 22, 2021, the Parties executed **Amendment No. 2** to the Contract to modify section **3.01. CONTRACT LIMIT, FEES AND EXPENSES.** changing the not-to-exceed amount of the Contract from ONE MILLION SEVEN HUNDRED NINETY THOUSAND DOLLARS AND ZERO CENTS (\$1,790,000.00) to TWO MILLION ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$2,100,000.00), as approved by the Executive Director on October 22, 2021.

**WHEREAS,** on December 15, 2021, the Parties executed **Amendment No. 3** to the Contract to modify section **3.01. CONTRACT LIMIT, FEES AND EXPENSES.** changing the not-to-exceed amount of the Contract from TWO MILLION ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$2,100,000.00) to TWO MILLION FOUR HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$2,400,000.00), as approved by the Executive Director on December 15, 2021.

**WHEREAS,** on March 11, 2022, the Parties executed **Amendment No. 4** to the Contract to modify section **3.01. CONTRACT LIMIT, FEES AND EXPENSES.** changing the not-to-exceed amount of the Contract from TWO MILLION FOUR HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$2,400,000.00) to TWO MILLION SIX HUNDRED TWENTY-SEVEN THOUSAND THREE HUNDRED DOLLARS AND ZERO CENTS (\$2,627,300.00), as approved by the Executive Director on March 11, 2022

**WHEREAS,** the Parties desire to further amend the Contract terms to their mutual benefit to reflect changed circumstances.

**NOW, THEREFORE,** the Parties agree to amend the Contract as follows:

- I. **SECTION 3.01. CONTRACT LIMIT AND FEES AND EXPENSES.**, is deleted in its entirety and replaced with the following:

**“CONTRACT LIMIT, FEES AND EXPENSES.** The total amount of fees to be paid by RRC to Contractor under the Contract through the Contract Term shall not exceed **TWO MILLION EIGHT HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS AND ZERO CENTS (\$2,817,575.00)**, the total of which includes the current NTE amount of **TWO MILLION SIX HUNDRED TWENTY-SEVEN THOUSAND THREE HUNDRED DOLLARS AND ZERO CENTS (\$2,627,300.00)**

plus the addition of **ONE HUNDRED NINETY THOUSAND TWO HUNDRED SEVENTY-FIVE DOLLARS AND ZERO CENTS (\$190,275.00)**, as approved by the Executive Director effective as of the date executed by the parties in this Amendment No.5.”

Except as expressly amended above, all provisions of the Contract, as amended, remain in full force and effect. In the event of a conflict among provisions of the Contract, the order of precedence shall be: this Amendment No.5; then Amendment No.4; then Amendment No.3; then Amendment No.2; then Amendment No.1; and then the original Contract in accordance with section **1.03. ORDER OF PRECEDENCE.**, therein.

**IN WITNESS WHEREOF**, the Parties hereto have made and executed this Amendment No.5 to the Contract to be effective as of the date of the last Party’s signature hereto. By signatures below, each signatory represents and warrants that they have the authority to amend the Contract on behalf of the respective Party.

**RAILROAD COMMISSION OF TEXAS**

**ETECH ENVIRONMENTAL & SAFETY SOLUTIONS, INC.**

DocuSigned by:  
*Wei Wang*  
A320E7879B01444  
Wei Wang  
Executive Director

DocuSigned by:  
*Tim McMinn*  
04F70D828278424  
Tim McMinn  
Vice President

Date of Execution: 5/2/2022

Date of Execution: 4/28/2022

RRC use only below this line.  
Div. Director: *DS* 4/27/2022  
CM COO: *KL* 4/27/2022  
Procurement and Contract Director: *tl* 4/27/2022  
OGC: *DS* 4/27/2022